

that the Administrator shall not interpret the lack of exposure information as a lack of exposure or exposure potential; **and**

“(B) describe the manner in which the Administrator will determine that additional information is necessary to carry out this Act, including information relating to potentially exposed or susceptible populations;.

~~“(C) require the Administrator to~~ **“(4) EPIDEMIOLOGICAL STUDIES.—Before prescribing epidemiological studies of employees, the Administrator shall** consult with the Director of the National Institute for Occupational Safety and Health. ~~prior to prescribing epidemiologic studies of employees; and~~

~~“(D) require that prior to making a request or adopting a requirement for testing using vertebrate animals, the Administrator shall take into consideration, as appropriate and to the extent practicable, reasonably available—~~

~~“(i) toxicity information;~~

~~“(ii) computational toxicology and bioinformatics;~~

~~* 1 “(iii) high-throughput screening methods and the prediction models of those methods; and~~

~~* 2 “(iv) scientifically reliable and relevant alternatives to tests on animals that would provide equivalent information.~~

“(h) Safety Assessments and Safety Determinations.—

“(1) SCHEDULE.—

“(A) IN GENERAL.—The Administrator shall inform the public regarding the schedule **and the resources necessary** for the completion of each safety assessment and safety determination as soon as practicable after designation as a high-priority substance pursuant to section 4A.

“(B) DIFFERING TIMES.—The Administrator may allot different times for different chemical substances in the schedules under this paragraph, subject to the condition that all schedules shall comply with the deadlines established under section 6.

“(C) ANNUAL PLAN.—~~AT PLAN.—~~

“(i) IN GENERAL.—At the beginning of each calendar year, the Administrator shall **publish an annual plan.**

“(ii) INCLUSIONS.—The annual plan shall—

“(I) identify the substances subject to safety assessments and safety determinations to be completed that year;

“(II) **describe the status of each safety assessment and safety determination that has been initiated but not yet completed, including milestones achieved since the previous annual report; and**

“(III) **if the schedule for completion of a safety assessment and safety**

determination prepared pursuant to subparagraph (A) has changed,
include an updated schedule for that safety assessment and safety
determination.

“(2) POLICIES AND PROCEDURES FOR SAFETY ASSESSMENTS AND SAFETY
DETERMINATIONS.—

“(A) IN GENERAL.—The Administrator shall establish, by rule, policies and
procedures regarding the manner in which the Administrator shall carry out section 6.

“(B) GOAL.—A goal of the policies and procedures under this paragraph shall be to
make the basis of decisions of the Administrator clear to the public.

“(C) MINIMUM REQUIREMENTS.—~~AT A MINIMUM, THE~~ **REQUIREMENTS.—The**
policies and procedures under this paragraph ~~shall—~~ **shall, at a minimum—**

“(i) describe—

“(I) the manner in which the Administrator will identify informational
needs and seek that information from the public;

“(II) the information (including draft safety assessments) that may be
submitted by interested individuals or entities, including States; and

“(III) the criteria by which ~~that~~ information **submitted by interested**
individuals or entities will be evaluated;

“(ii) ~~require the Administrator—~~ **that each draft and final safety assessment**
and safety determination of the Administrator include a description of—

~~“(I)(aa) to define—~~“(I)(aa) the scope of the safety assessment and safety
determination to be conducted under section 6, including the hazards,
exposures, **and** conditions of use **of the chemical substance**, and potentially
exposed and susceptible populations that the Administrator ~~expects to~~
~~consider in a safety assessment;~~ **has identified as relevant; and**

~~“(bb) to explain—~~“(bb) the basis for the scope of the safety assessment and
safety determination;

and

~~“(cc) to accept comments regarding the scope of the safety assessment and~~
~~safety determination; and~~

~~“(II)(aa) to identify the items described in subclause (I) that the~~
~~Administrator has considered in the final safety assessment; and~~

~~“(bb) to explain the basis for the consideration of those items;~~

~~“(iii) describe—~~“(II) the manner in which aggregate exposures, or
significant subsets of exposures, to a chemical substance under the
conditions of use ~~will be~~ **were** considered, and ~~explain the basis for that~~
~~consideration in the final safety assessment;;~~

~~“(iv) require that each safety assessment and safety determination shall~~
~~include—~~

1 ~~“(I) a description of”~~**“(III) the weight of the scientific evidence of risk; and**

2 ~~“(II) a summary of”~~**“(IV) the information regarding the impact on health**
3 **and the environment of the chemical substance that was used to make the**
4 **assessment or determination, including, as available, mechanistic, animal**
5 **toxicity, and epidemiology studies;**

6 ~~“(v)”~~**“(iii) establish a timely and transparent process for evaluating whether new**
7 **information submitted or obtained after the date of a final safety assessment or**
8 **safety determination warrants reconsideration of the safety assessment or safety**
9 **determination; and**

10 ~~“(vi)”~~**“(iv) when relevant information is provided or otherwise made available to**
11 **the Administrator, shall require the Administrator to consider the extent of**
12 **Federal regulation under other Federal laws.**

13 **“(D) GUIDANCE.—**

14 **“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank**
15 **R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall**
16 **develop guidance to assist interested persons in developing their own draft safety**
17 **assessments and other information for submission to the Administrator, which**
18 **may be considered at the discretion of by the Administrator.**

19 **“(ii) REQUIREMENT.—The guidance shall, at a minimum, address the quality of**
20 **the information submitted and the process to be followed in developing a draft**
21 **safety assessment for consideration by the Administrator.**

22 **“(i) Publicly Available Information.—Subject to section 14, the Administrator shall—**

23 **“(1) make publicly available a nontechnical summary, and the final version, of each**
24 **safety assessment and safety determination;**

25 **“(2) provide public notice and an opportunity for comment on each proposed safety**
26 **assessment and safety determination; and**

27 **“(3) make public in a final safety assessment and safety determination—**

28 **“(A) the list of studies considered by the Administrator in carrying out the safety**
29 **assessment or safety determination; and**

30 **“(B) the list of policies, procedures, and guidance that were followed in carrying out**
31 **the safety assessment or safety determination.**

32 **“(j) Consultation With Science Advisory Committee on Chemicals.—**

33 **“(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section,**
34 **the Administrator shall establish an advisory committee, to be known as the ‘Science**
35 **Advisory Committee on Chemicals’ (referred to in this subsection as the ‘Committee’).**

36 **“(2) PURPOSE.—The purpose of the Committee shall be to provide independent advice**
37 **and expert consultation, on the request of the Administrator, with respect to the scientific**
38 **and technical aspects of issues relating to the implementation of this title.**

39 **“(3) COMPOSITION.—The Committee shall be composed of representatives of such**
40 **science, government, labor, public health, public interest, animal protection, industry, and**

other groups as the Administrator determines to be advisable, including, at a minimum, representatives that have specific scientific expertise in the relationship of chemical exposures to women, children, and other potentially exposed or susceptible populations.

“(4) SCHEDULE.—The Administrator shall convene the Committee in accordance with such schedule as the Administrator determines to be appropriate, but not less frequently than once every 2 years.

“(5) RELATIONSHIP TO OTHER LAW.—All proceedings and meetings of the Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).”

SEC. 5. TESTING OF CHEMICAL SUBSTANCES OR MIXTURES.

(a) In General.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) by striking subsections (a), (b), (c), (d), and ~~(g)~~; **(e), and (g)**;

~~(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;~~

~~(3) in subsection (f) (as so redesignated)—~~

~~(A) by striking “rule” each place it appears and inserting “rule, testing consent agreement, or order”;~~

~~(B) by striking “under subsection (a)” each place it appears and inserting “under this subsection”; and~~

~~(C) in paragraph (1)—~~

~~(i) in subparagraph (A)(v), by inserting “, without taking into account cost or other nonrisk factors” after “the environment”; and~~

~~(ii) in subparagraph (B), in the last sentence, by striking “rulemaking”;~~

~~(4) in subsection (g) (as so redesignated)—~~ **(2) in subsection (f)—**

(A) in the first sentence—

(i) by striking “from cancer, gene mutations, or birth defects”; and

(ii) by inserting “, without taking into account cost or other nonrisk factors” before the period at the end; and

(B) by striking the last sentence; and

~~(5)~~ **(3) by inserting before subsection (f) (as so redesignated) the following:**

“(a) Development of New Information on Chemical Substances and Mixtures.—

“(1) IN GENERAL.—The Administrator may require the development of new information relating to a chemical substance or mixture in accordance with this section if the Administrator determines that the information is necessary—

“(A) to review a notice under section 5(d) or to perform a safety assessment or safety determination under section 6;

1 “(B) to implement a requirement imposed in a consent agreement or order issued
2 under section 5(d)(4) or under a rule promulgated under section 6(d)(3);

3 “(C) pursuant to section 12(a)(4); or

4 “(D) at the request of the implementing authority under another Federal law, to meet
5 the regulatory testing needs of that authority.

6 “(2) LIMITED TESTING FOR PRIORITIZATION PURPOSES.—

7 “(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may
8 require the development of new information for the purposes of section 4A.

9 “(B) PROHIBITION.—Testing required under subparagraph (A) shall not be required
10 for the purpose of establishing or implementing a minimum information requirement.

11 “(C) LIMITATION.—The Administrator may require the development of new
12 information pursuant to subparagraph (A) only if the Administrator determines that
13 additional information is necessary to establish the priority of a chemical substance.

14 “(3) FORM.—The Administrator may require the development of information described in
15 paragraph (1) or (2) by—

16 “(A) promulgating a rule;

17 “(B) entering into a testing consent agreement; or

18 “(C) issuing an order.

19 “(4) CONTENTS.—

20 “(A) IN GENERAL.—A rule, testing consent agreement, or order issued under this
21 subsection shall include—

22 “(i) identification of the chemical substance or mixture for which testing is
23 required;

24 “(ii) identification of the persons required to conduct the testing;

25 “(iii) test protocols and methodologies for the development of information for
26 the chemical substance or mixture, including specific reference to any reliable
27 nonanimal test procedures; and

28 “(iv) specification of the period within which individuals and entities required
29 to conduct the testing shall submit to the Administrator the information developed
30 in accordance with the procedures described in clause (iii).

31 “(B) CONSIDERATIONS.—In determining the procedures and period to be required
32 under subparagraph (A), the Administrator shall take into consideration—

33 “(i) the relative costs of the various test protocols and methodologies that may
34 be required; ~~and~~

35
36 “(ii) the reasonably foreseeable availability of facilities and personnel required
37 to perform the testing; **and**

1 “(iii) the deadlines applicable to the Administrator under section 6(a).

2 “(5) CONSIDERATION OF FEDERAL AGENCY RECOMMENDATIONS.—The Administrator
3 shall consider the recommendations of other Federal agencies regarding the chemical
4 substances and mixtures to which the Administrator shall give priority consideration
5 under this section.—

6
7 “(b) Statement of Need.—

8 “(1) IN GENERAL.—In promulgating a rule, entering into a testing consent agreement, or
9 issuing an order for the development of additional information (including information on
10 exposure or exposure potential) pursuant to this section, the Administrator shall—

11 “(A) identify the need intended to be met by the rule, agreement, or order;

12 “(B) explain why information reasonably available to the Administrator at that time
13 is inadequate to meet that need, including a reference, as appropriate, to the
14 information identified in paragraph (2)(B); and

15 “(C) explain the basis for any decision that requires the use of vertebrate animals.

16 “(2) EXPLANATION IN CASE OF ORDER.—

17 “(A) IN GENERAL.—If the Administrator issues an order under this section, the
18 Administrator shall issue a statement providing a justification for why issuance of an
19 order is warranted instead of promulgating a rule or entering into a testing consent
20 agreement.

21 “(B) CONTENTS.—A statement described in subparagraph (A) shall contain a
22 description of—

23 “(i) information that is readily accessible to the Administrator, including
24 information submitted under any other provision of law;

25 “(ii) the extent to which the Administrator has obtained or attempted to obtain
26 the information through voluntary submissions; and

27 “(iii) any information relied on in safety assessments for other chemical
28 substances relevant to the chemical substances that would be the subject of the
29 order.

30 “(c) Reduction of Testing on Vertebrates.—

31 “(1) IN GENERAL.—The Administrator shall minimize, to the extent practicable, the use of
32 vertebrate animals in testing of chemical substances or mixtures, by—

33 “(A) ~~encouraging and facilitating~~ **prior to making a request or adopting a**
34 **requirement for testing using vertebrate animals, taking into consideration, as**
35 **appropriate and to the extent practicable, reasonably available—**

36 “(i) toxicity information;

37 “(ii) computational toxicology and bioinformatics;

38 ** 1 “(iii) high-throughput screening methods and the prediction models of

those methods; and

**** 2** “(iv) scientifically reliable and relevant alternatives to tests on animals that would provide equivalent information;”

“(B) encouraging and facilitating—

“(i) the use of integrated and tiered testing and assessment strategies;

“(ii) the use of best available science in existence on the date on which the test is conducted;

“(iii) the use of test methods that eliminate or reduce the use of animals while providing information of high scientific quality;

“(iv) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide reliable and useful information on other chemical substances in the category;

“(v) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests; and

“(vi) the submission of information from—

“(I) animal-based studies; and

“(II) emerging methods and models; and

~~“(B)”~~**“(C)** funding research and validation studies to reduce, refine, and replace the use of animal tests in accordance with this subsection.

“(2) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new testing methods that are not based on vertebrate animals, the Administrator shall—

“(A) not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, develop a strategic plan to promote the development and implementation of alternative test methods and testing strategies to generate information under this title that can reduce, refine, or replace the use of vertebrate animals, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening;

“(B) as practicable, ensure that the strategic plan developed under subparagraph (A) is reflected in the development of requirements for testing under this section;

“(C) identify in the strategic plan developed under subparagraph (A) particular alternative test methods or testing strategies that do not require new vertebrate animal testing and are scientifically reliable, relevant, and capable of providing information of equivalent scientific reliability and quality to that which would be obtained from vertebrate animal testing;

“(D) provide an opportunity for public notice and comment on the contents of the plan developed under subparagraph (A), including the criteria for considering scientific reliability, relevance, and equivalent information and the test methods and strategies

identified in subparagraph (C);

“(E) beginning on the date that is 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act and every 5 years thereafter, submit to Congress a report that describes the progress made in implementing this subsection and goals for future alternative test methods implementation;

“(F) fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that reduce, refine, or replace the use of vertebrate animals in any testing under this title; and

“(G) identify synergies with the related information requirements of other jurisdictions to minimize the potential for additional or duplicative testing.

“(3) CRITERIA FOR ADAPTING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On request from a manufacturer or processor that is required to conduct testing of a chemical substance or mixture on vertebrate animals under this section, the Administrator may adapt or waive the requirement, if the Administrator determines that—

“(A) there is sufficient evidence from several independent sources of information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property if the information from each individual source alone is insufficient to support the conclusion;

“(B) as a result of 1 or more physical or chemical properties of the chemical substance or mixture or other toxicokinetic considerations—

“(i) the substance cannot be absorbed; or

“(ii) testing for a specific endpoint is technically not practicable to conduct; or

“(C) a chemical substance or mixture cannot be tested in vertebrate animals at concentrations that do not result in significant pain or distress, because of physical or chemical properties of the chemical substance or mixture, such as a potential to cause severe corrosion or severe irritation to the tissues of the animal.

“(4) VOLUNTARY TESTING.—

“(A) IN GENERAL.—Any person developing information for submission under this title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative or nonanimal test method or testing strategy that the Administrator has determined under paragraph (2)(C) to be scientifically reliable, relevant, and capable of providing equivalent information, before conducting new animal testing.

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

“(i) requires the Administrator to review the basis on which the person is conducting testing described in subparagraph (A);

“(ii) prohibits the use of other test methods or testing strategies by any person for purposes other than developing information for submission under this title on a voluntary basis; or

“(iii) prohibits the use of other test methods or testing strategies by any person, subsequent to the attempt to develop information using the test methods and testing strategies identified by the Administrator under paragraph (2)(C).

“(d) Testing Requirements.—

“(1) IN GENERAL.—The Administrator may require the development of information by—

“(A) manufacturers and processors of the chemical substance or mixture; and

“(B) ~~subject to paragraph (3)~~, persons that begin to manufacture or process the chemical substance or ~~mixture~~ mixture—

“(i) after the effective date of the rule, testing consent agreement, or order; ~~but~~

“(ii) before the period ending on the later of—

“(I) ~~5 years after the date referred to in clause (i)~~; or

~~* 3 “(II) the last day of the period that begins on the date referred to in clause (i) and that is equal to the period that the Administrator determines was necessary to develop the information.~~

“(2) DESIGNATION.—The Administrator may permit 2 or more persons identified in subparagraph (A) or (B) of paragraph (1) to designate 1 of the persons or a qualified third party—

“(A) to develop the information; and

“(B) to submit the information on behalf of the persons making the designation.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—A person otherwise subject to a rule, testing consent agreement, or order under this section may submit to the Administrator an application for an exemption on the basis that ~~the information submission of information by the applicant on the chemical substance or mixture would be duplicative of—~~

“(i) **information on the chemical substance or mixture that—**

“(I) **has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or**

“(II) **is being developed by a person designated under paragraph (2);**
or

“(ii) **information on an equivalent chemical substance or mixture that—**

“(I) **has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or**

“(II) **is being developed by a person designated under paragraph (2).**

“(B) FAIR AND EQUITABLE REIMBURSEMENT TO DESIGNEE.—

“(i) IN GENERAL.—If the Administrator accepts an application submitted under subparagraph (A), **before the end of the reimbursement period described in**

1 **clause (iii)**, the Administrator shall direct the applicant to provide to the person
2 designated under paragraph (2) fair and equitable reimbursement, as agreed to
3 between the applicant and the designee.

4 “(ii) **ARBITRATION.**—If the applicant and a person designated under paragraph
5 (2) cannot reach agreement on the amount of fair and equitable reimbursement,
6 the amount shall be determined by arbitration.

7 “(iii) **REIMBURSEMENT PERIOD.**—**For the purposes of this subparagraph,**
8 **the reimbursement period for any information for a chemical substance or**
9 **mixture is a period—**

10 “(I) **beginning on the date the information is submitted in accordance**
11 **with a rule, testing consent agreement, or order under this section; and**

12 “(II) **ending on the later of—**

13 “(aa) **5 years after the date referred to in subclause (I); or**

14 **** 3 “(H)“(bb) the last day of the period that begins on the date**
15 **referred to in ~~clause (i)~~ subclause (I) and that is equal to the period that**
16 **the Administrator determines was necessary to develop the information.**

17 “(C) **TERMINATION.**—If, after granting an exemption under this paragraph, the
18 Administrator determines that no person designated under paragraph (2) has complied
19 with the rule, testing consent agreement, or order, the Administrator shall—

20 “(i) by order, terminate the exemption; and

21 “(ii) notify in writing each person that received an exemption of the
22 requirements with respect to which the exemption was granted.

23 “(4) **TIERED TESTING.**—

24 “(A) **IN GENERAL.**—Except as provided in subparagraph (D), the Administrator shall
25 employ a tiered screening and testing process, under which the results of
26 screening-level tests or assessments of available information inform the decision as to
27 whether 1 or more additional tests are necessary.

28 “(B) **SCREENING-LEVEL TESTS.**—

29 “(i) **IN GENERAL.**—The screening-level tests required for a chemical substance
30 or mixture may include tests for hazard (which may include in silico, in vitro, and
31 in vivo tests), environmental and biological fate and transport, and measurements
32 or modeling of exposure or exposure potential, as appropriate.

33 “(ii) **USE.**—Screening-level tests shall be used—

34 “(I) to screen chemical substances or mixtures for potential adverse
35 effects; and

36 “(II) to inform a decision of the Administrator regarding whether more
37 complex or targeted additional testing is necessary.

38 “(C) **ADDITIONAL TESTING.**—If the Administrator determines under subparagraph
39 (B) that additional testing is necessary to provide more definitive information for

safety assessments or safety determinations, the Administrator may require more advanced tests for potential health or environmental effects or exposure potential.

“(D) ADVANCED TESTING WITHOUT SCREENING.—The Administrator may require more advanced testing without conducting screening-level testing when other information available to the Administrator justifies the advanced testing, pursuant to guidance developed by the Administrator under this section.

“(e) Transparency.—Subject to section 14, the Administrator shall make available to the public all testing consent agreements and orders and all information submitted under this section.”.

(b) Conforming Amendment.—Section 104(i)(5)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended in the third sentence by striking “section 4(e)” and inserting “section 4(f)”. **inserting “(as in effect on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act)” after “Toxic Substances Control Act”.**

SEC. 6. PRIORITIZATION SCREENING.

The Toxic Substances Control Act is amended by inserting after section 4 (15 U.S.C. 2603) the following:

“SEC. 4A. PRIORITIZATION SCREENING.

“(a) Prioritization Screening Process and List of Substances.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish, by rule, a risk-based screening process and explicit criteria for identifying existing chemical substances that are—

“(A) a high priority for a safety assessment and safety determination under section 6 (referred to in this Act as ‘high-priority substances’); and

“(B) a low priority for a safety assessment and safety determination (referred to in this Act as ‘low-priority substances’).

“(2) INITIAL LIST AND SUBSEQUENT LISTS OF HIGH- AND LOW-PRIORITY SUBSTANCES.—

“(A) IN GENERAL.—Before the date of promulgation of the rule under paragraph (1) and not later than 180 days after the date of enactment of this section, the **Administrator shall Administrator—**

~~“(i) shall take into consideration and publish an initial list of high-priority substances and low-priority substances; and~~

~~“(ii) pursuant to section 6(b), may initiate or continue safety assessments and safety determinations for those high-priority substances.~~

“(B) REQUIREMENTS.—

“(i) IN GENERAL.—The initial list of chemical substances shall contain at least 10 high-priority substances, at least 5 of which are drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, and at least 10 low-priority substances.

“(ii) SUBSEQUENTLY IDENTIFIED SUBSTANCES.—Insofar as possible, at least 50 percent of all substances subsequently identified by the Administrator as high-priority substances shall be drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, until all Work Plan chemicals have been designated under this subsection.

“(iii) ~~PERSISTENCE AND BIOACCUMULATION.~~—~~IN PREFERENCES.~~—

“(I) **IN GENERAL.**—In developing the initial list and in identifying additional high-priority substances, the Administrator shall give preference to to—

“(aa) chemical substances ~~scored as high for that~~, **with respect to persistence and bioaccumulation, score high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012; and**

“(bb) **chemical substances listed** in the October 2014 TSCA Work Plan and subsequent updates **that are known human carcinogens and have high acute and chronic toxicity.**

“(II) **METALS AND METAL COMPOUNDS.**—**In prioritizing and assessing metals and metal compounds, the Administrator shall use the Framework for Metals Risk Assessment of the Office of the Science Advisor, Risk Assessment Forum, and dated March 2007 (or a successor document), and may use other applicable information consistent with the best available science.**

“(C) **ADDITIONAL CHEMICAL REVIEWS.**—The Administrator shall, as soon as practicable and not later than—

“(i) 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 20 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 20 low-priority substances have been designated; and

“(ii) 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 25 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 25 low-priority substances have been designated.

“(3) **IMPLEMENTATION.**—

“(A) **CONSIDERATION OF ACTIVE AND INACTIVE SUBSTANCES.**—

“(i) **ACTIVE SUBSTANCES.**—~~In carrying out~~ **implementing the prioritization screening process established under** paragraph (1), the Administrator shall take

into consideration active substances, as determined under section 8, which may include chemical substances on the interim list of active substances established under that section.

“(ii) **INACTIVE SUBSTANCES.**—~~In carrying out~~ **implementing the prioritization screening process established under** paragraph (1), the Administrator may take into consideration inactive substances, as determined under section 8, that the Administrator determines—

“(I)(aa) have not been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

“(bb) have the potential for high hazard and widespread exposure; or

“(II)(aa) have been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

“(bb) with respect to which there exists the potential for residual high hazards or widespread exposures not otherwise addressed by the regulatory or other action.

“(iii) **REPOPULATION.**—

“(I) **IN GENERAL.**—On the completion of a safety determination under section 6 for a chemical substance, the Administrator shall remove the chemical substance from the list of high-priority substances established under this subsection.

“(II) **ADDITIONS.**—The Administrator shall add at least 1 chemical substance to the list of high-priority substances for each chemical substance removed from the list of high-priority substances established under this subsection, until a safety assessment and safety determination is completed for all **chemical substances not designated as high-priority.** ~~high-priority substances.~~

~~“(III) **Low-priority substances.**—If a low-priority substance is subsequently designated as a high-priority substance, the Administrator shall remove that substance from the list of low-priority substances.~~

“(B) **TIMELY COMPLETION OF PRIORITIZATION SCREENING PROCESS.**—

“(i) **IN GENERAL.**—The Administrator shall—

“(I) except as provided under paragraph (2), not later than 180 days after the effective date of the final rule under paragraph (1), begin the prioritization screening process; and

“(II) make every effort to complete the designation of all active substances as high-priority substances or low-priority substances in a timely manner.

“(ii) **DECISIONS ON SUBSTANCES SUBJECT TO TESTING FOR PRIORITIZATION PURPOSES.**—Not later than 90 days after the date of receipt of information regarding a chemical substance complying with a rule, testing consent agreement, or order issued under section 4(a)(2), the Administrator shall designate the

chemical substance as a high-priority substance or low-priority substance.

“(iii) CONSIDERATION.—

“(I) IN GENERAL.—The Administrator shall screen substances and designate high-priority substances ~~taking into consideration~~ **consistent with** the ability of the Administrator to schedule and complete safety assessments and safety determinations under section 6 in a ~~timely manner~~. **accordance with the deadlines under subsection (a) of that section.**

“(II) ANNUAL GOAL.—The Administrator shall publish an annual goal for the number of chemical substances to be subject to the prioritization screening process.

“(C) SCREENING OF CATEGORIES OF SUBSTANCES.—The Administrator may screen categories of chemical substances to ensure an efficient prioritization screening process to allow for timely and adequate designations of high-priority substances and low-priority substances and safety assessments and safety determinations for high-priority substances.

“(D) PUBLICATION OF LIST OF CHEMICAL SUBSTANCES.—The Administrator shall keep current and publish a list of chemical substances ~~that~~— **that includes and identifies substances—**

~~“(i)“(i) that are being considered in the prioritization screening process and the status of the chemical substances in the prioritization process, including those chemical substances;~~

“(ii) for which prioritization decisions have been deferred; and postponed pursuant to subsection (b)(5), including the basis for the postponement; and

~~“(i)“(iii) that are designated as high-priority substances or low-priority substances, including the bases for such designations.~~

“(4) CRITERIA.—The criteria described in paragraph (1) shall account for—

“(A) the recommendation of the Governor of a State or a State agency with responsibility for protecting health or the environment from chemical substances appropriate for prioritization screening;

“(B) the hazard and exposure potential of the chemical substance (or category of substances), including persistence, bioaccumulation, and specific scientific classifications and designations by authoritative governmental entities;

“(C) the conditions of use or significant changes in the conditions of use of the chemical substance;

“(D) evidence and indicators of exposure potential to humans or the environment from the chemical substance, including potentially exposed or susceptible populations **and storage near significant sources of drinking water;**

“(E) the volume of a chemical substance manufactured or processed;

“(F) whether the volume of a chemical substance as reported ~~under~~ **pursuant to a** rule promulgated pursuant to section 8(a) has significantly increased or decreased

1 ~~during the period beginning on the date of a previous report or the date on which a~~
2 ~~notice has been submitted under section 5(b) for that chemical substance;~~

3 “(G) the availability of information regarding potential hazards and exposures
4 required for conducting a safety assessment or safety determination, with limited
5 availability of relevant information to be a sufficient basis for designating a chemical
6 substance as a high-priority substance, subject to the condition that limited availability
7 shall not require designation as a high-priority substance; and

8 “(H) the extent of Federal or State regulation of the chemical substance or the extent
9 of the impact of State regulation of the chemical substance on the United States, with
10 existing Federal or State regulation of any uses evaluated in the prioritization screening
11 process as a factor in designating a chemical substance to be a high-priority or a
12 low-priority substance.

13 “(b) Prioritization Screening Process and Decisions.—

14 “(1) ~~IN GENERAL.—THE GENERAL.~~ **In implementing the** prioritization screening
15 process developed under subsection (a) ~~shall include a requirement that~~, the Administrator
16 shall—

17 “(A) identify the chemical substances being considered for prioritization;

18 “(B) request interested persons to supply information regarding the chemical
19 substances being considered;

20 “(C) apply the criteria identified in subsection (a)(4); and

21 “(D) subject to paragraph (5) and using the information available to the
22 Administrator at the time of the decision, identify a chemical substance as a
23 high-priority substance or a low-priority substance.

24 “(2) ~~INTEGRATION OF~~ **REASONABLY AVAILABLE** INFORMATION.—The prioritization
25 screening decision regarding a chemical substance shall ~~integrate~~ **consider** any hazard and
26 exposure information relating to the chemical substance that is **reasonably** available to the
27 Administrator.

28 “(3) IDENTIFICATION OF HIGH-PRIORITY SUBSTANCES.—The Administrator—

29 “(A) shall identify as a high-priority substance a chemical substance that, relative to
30 other active chemical substances, the Administrator determines has the potential for
31 significant hazard and significant exposure;

32 “(B) may identify as a high-priority substance a chemical substance that, relative to
33 other active chemical substances, the Administrator determines has the potential for
34 significant hazard or significant exposure; and

35 “(C) may identify as a high-priority substance an inactive substance, as determined
36 under subsection (a)(3)(A)(ii) and section 8(b), that the Administrator determines
37 warrants a safety assessment and safety determination under section 6.

38 “(4) IDENTIFICATION OF LOW-PRIORITY SUBSTANCES.—The Administrator shall identify as
39 a low-priority substance a chemical substance that the Administrator concludes has
40 information sufficient to establish that the chemical substance is likely to meet the safety

1 standard.

2 “(5) ~~DEFERRING~~ **POSTPONING** A DECISION.—If the Administrator determines that
3 additional information is ~~required~~ **needed** to establish the priority of a chemical substance
4 under this section, the Administrator may ~~defer the~~ **postpone a** prioritization screening
5 decision for a reasonable period—

6 “(A) to allow for the submission of additional information by an interested person
7 and for the Administrator to evaluate the additional information; or

8 “(B) to require the development of information pursuant to a rule, testing consent
9 agreement, or order issued under section 4(a)(2).

10 “(6) DEADLINES FOR SUBMISSION OF INFORMATION.—If the Administrator requests the
11 development or submission of information under this section, the Administrator shall
12 establish a deadline for submission of the information.

13 “(7) NOTICE AND COMMENT.—The Administrator shall—

14 “(A) publish, including in the Federal Register, the proposed decisions made under
15 paragraphs (3), (4), and (5) and the basis for the decisions;

16 ~~and~~“(B) **identify the information and analysis on which the decisions are based;**
17 **and**

18 ~~“(B)–“(C)~~ provide 90 days for public comment.

19 “(8) REVISIONS OF PRIOR DESIGNATIONS.—

20 “(A) IN GENERAL.—At any time, ~~and at the discretion of the Administrator,~~ the
21 Administrator may revise the designation of a chemical substance as a high-priority
22 substance or a low-priority substance based on information available to the
23 Administrator after the date of the determination under paragraph (3) or (4).

24 “(B) LIMITED AVAILABILITY.—If limited availability of relevant information was a
25 basis in the designation of a chemical substance as a high-priority substance, the
26 Administrator shall reevaluate the prioritization screening of the chemical substance on
27 receiving the relevant information.

28 “(9) OTHER INFORMATION RELEVANT TO PRIORITIZATION.—

29 “(A) IN GENERAL.—If, after the date of enactment of the Frank R. Lautenberg
30 Chemical Safety for the 21st Century Act, a State proposes an administrative action or
31 enacts a statute or takes an administrative action to prohibit or otherwise restrict the
32 manufacturing, processing, distribution in commerce, or use of a chemical substance
33 that the Administrator has not designated as a high-priority substance, the Governor or
34 State agency with responsibility for implementing the statute or administrative action
35 shall notify the Administrator.

36 “(B) REQUESTS FOR INFORMATION.—Following receipt of a notification provided
37 under subparagraph (A), the Administrator may request any available information from
38 the Governor or the State agency with respect to—

39 “(i) scientific evidence related to the hazards, exposures and risks of the
40 chemical substance under the conditions of use which the statute or administrative

1 action is intended to address;

2 “(ii) any State or local conditions which warranted the statute or administrative
3 action;

4 “(iii) the statutory or administrative authority on which the action is based; and

5 “(iv) any other available information relevant to the prohibition or other
6 restriction, including information on any alternatives considered and their
7 hazards, exposures, and risks.

8 “(C) PRIORITIZATION SCREENING.—The Administrator shall conduct a prioritization
9 screening under this subsection for all substances that—

10 “(i) are the subject of notifications received under subparagraph (A); and

11 “(ii) the Administrator determines—

12 “(I) are likely to have significant health or environmental impacts;

13 “(II) are likely to have significant impact on interstate commerce; or

14 “(III) have been subject to a prohibition or other restriction under a statute
15 or administrative action in 2 or more States.

16 “(D) POST-PRIORITIZATION NOTICE.—If, after the date of enactment of the
17 Frank R. Lautenberg Chemical Safety for the 21st Century Act, a State proposes
18 or takes an administrative action or enacts a statute to prohibit or otherwise
19 restrict the manufacturing, processing, distribution in commerce, or use of a
20 high-priority substance, after the date on which the deadline established pursuant
21 to subsection (a) of section 6 for completion of the safety determination under that
22 subsection expires but before the date on which the Administrator publishes the
23 safety determination under that subsection, the Governor or State agency with
24 responsibility for implementing the statute or administrative action shall—

25 “(i) notify the Administrator; and

26 “(ii) provide the scientific and legal basis for the action.

27 “(E) AVAILABILITY TO PUBLIC.—Subject to section 14 and any applicable State law
28 regarding the protection of confidential information provided to the State or to the
29 Administrator, the Administrator shall make information received from a Governor or
30 State agency under subparagraph (A) publicly available.

31 ~~“(E)“(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph shall preempt a State~~
32 ~~statute or administrative action, require approval of a State statute or administrative~~
33 ~~action, or apply section 15 to a State.~~

34 “(10) REVIEW.—Not less frequently than once every 5 years after the date on which the
35 process under this subsection is established, the Administrator shall—

36 “(A) review the process on the basis of experience and taking into consideration
37 resources available to efficiently and effectively screen and prioritize chemical
38 substances; and

39 “(B) if necessary, modify the prioritization screening process.

1 “(11) EFFECT.—Subject to section 18, a designation by the Administrator under this
2 section with respect to a chemical substance shall not affect—

3 “(A) the manufacture, processing, distribution in commerce, use, or disposal of the
4 chemical substance; or

5 “(B) the regulation of those activities.

6 “(c) Additional Priorities for Safety Assessments and Determinations.—

7 “(1) REQUIREMENTS.—

8 “(A) IN GENERAL.—The ~~prioritization screening process developed rule~~
9 **promulgated** under subsection (a) shall—

10 “(i) include a process by which a manufacturer or processor of an active
11 chemical substance that has not been designated a high-priority substance or is not
12 in the process of a prioritization screening by the Administrator, may request that
13 the Administrator designate the substance as an additional priority for a safety
14 assessment and safety determination, subject to the payment of fees pursuant to
15 section ~~26(b)(3)(E)~~ **26(b)(3)(D)**;

16 “(ii) specify the information to be provided in such requests; and

17 “(iii) specify the criteria **(which may include criteria identified in subsection**
18 **(a)(4)) that** the Administrator shall use to determine whether or not to grant such
19 a request, which shall include whether the substance is subject to restrictions
20 imposed by statutes enacted or administrative actions taken by 1 or more States
21 on the manufacture, processing, distribution in commerce, or use of the substance.

22 “(B) PREFERENCE.—Subject to paragraph (2), in deciding whether to grant requests
23 under this subsection the Administrator shall give a preference to requests concerning
24 substances for which the Administrator determines that restrictions imposed by 1 or
25 more States have the potential to have a significant impact on interstate commerce or
26 health or the environment.

27 “(C) EXCEPTIONS.—Chemical substances for which requests have been granted
28 under this subsection shall not be subject to subsection (a)(3)(A)(iii) or section 18(b).

29 “(2) LIMITATIONS.—In considering whether to grant a request submitted under paragraph
30 (1), the Administrator shall ensure that—

31 “(A) ~~if a sufficient number of additional priority requests meet the requirements of~~
32 ~~paragraph (1), the number of substances designated to undergo safety assessments~~
33 **and safety determinations under the process and criteria pursuant to paragraph**
34 **(1) is** not less than 25 percent, or more than 30 percent, of the cumulative number of
35 substances designated to undergo safety assessments and safety determinations under
36 subsections (a)(2) and (b)(3) ~~are substances designated under the process and criteria~~
37 ~~pursuant to paragraph (1); except that if less than 25 percent are received by the~~
38 **Administrator, the Administrator shall grant each request that meets the**
39 **requirements of paragraph (1));**

40 “(B) the resources allocated to conducting safety assessments and safety
41 determinations for additional priorities designated under this subsection are

proportionate to the number of such substances relative to the total number of substances **currently** designated to undergo safety assessments and safety determinations under this section; and

“(C) the number of additional priority requests stipulated under subparagraph (A) is in addition to the total number of high-priority substances identified under subsections (a)(2) and (b)(3).

“(3) ADDITIONAL REVIEW OF WORK PLAN CHEMICALS FOR SAFETY ASSESSMENT AND SAFETY DETERMINATION.—In the case of a request under paragraph (1) with respect to a chemical substance identified by the Administrator in the October 2014 **TSCA** Work Plan—

“(A) the 30-percent cap specified in paragraph (2)(A) shall not apply and the addition of Work Plan chemicals shall be at the discretion of the Administrator; and

“(B) notwithstanding paragraph (1)(C), requests for additional Work Plan chemicals under this subsection shall be considered high-priority chemicals subject to section 18(b) but not subsection (a)(3)(A)(iii).

“(4) REQUIREMENTS.—

“(A) IN GENERAL.—The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

“(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

“(C) ASSESSMENT AND DETERMINATION.—If the Administrator grants a request under this subsection, the safety assessment and safety determination—

“(i) shall be conducted in accordance with the deadlines and other requirements of sections 3A(i) and 6; and

“(ii) shall not be expedited or otherwise subject to special treatment relative to high-priority substances designated pursuant to subsection (b)(3) that are undergoing safety assessments and safety determinations.”.

SEC. 7. NEW CHEMICALS AND SIGNIFICANT NEW USES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) by striking the section designation and heading and inserting the following:

“SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.”;

(2) by striking subsection (b);

(3) by redesignating subsection (a) as subsection (b);

(4) by redesignating subsection (i) as subsection (a) and moving the subsection so as to

appear at the beginning of the section;

(5) in subsection (b) (as so redesignated)—

(A) in the subsection heading, by striking “In General” and inserting “Notices”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsection (h)” and inserting “paragraph (3) and subsection (h)”;

(ii) in the matter following subparagraph (B)—

(I) by striking “subsection (d)” and inserting “subsection (c)”;

(II) by striking “and such person complies with any applicable requirement of subsection (b)”;

(C) by adding at the end the following:

“(3) ARTICLE CONSIDERATION.—The Administrator may require the notification **under this section** for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(B) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule warrants notification.”;

(6) by redesignating subsections (c) and (d) as subsections (d) and (c), respectively, and moving subsection (c) (as so redesigned) so as appear after subsection (b) (as redesignated by paragraph (3));

(7) in subsection (c) (as so redesignated)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The notice required by subsection (b) shall include, with respect to a chemical substance—

“(A) the information required by sections 720.45 and 720.50 of title 40, Code of Federal Regulations (or successor regulations); and

“(B) **all known or reasonably ascertainable** information regarding conditions of use and reasonably anticipated exposures.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “subsection (a)” and inserting “subsection (b)”;

(II) by striking “or of data under subsection (b)”;

(ii) in subparagraph (A), by adding “and” after the semicolon at the end;

(iii) in subparagraph (B), by striking “; and” and inserting a period; and

(iv) by striking subparagraph (C); and

(C) in paragraph (3), by striking “subsection (a) and for which the notification

period prescribed by subsection (a), (b), or (c)” and inserting “subsection (b) and for which the notification period prescribed by subsection (b) or (d)”;

(8) by striking subsection (d) (as redesignated by paragraph (6)) and inserting the following:

“(d) Review of Notice.—

“(1) INITIAL REVIEW.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of receipt of a notice submitted under subsection (b), the Administrator shall—

“(i) conduct an initial review of the notice;

“(ii) as needed, develop a profile of the relevant chemical substance and the potential for exposure to humans and the environment; and

“(iii) make ~~any necessary~~ a determination under paragraph (3).

“(B) EXTENSION.—Except as provided in paragraph (5), the Administrator may extend the period described in subparagraph (A) for good cause for 1 or more periods, the total of which shall be not more than 90 days.

“(2) INFORMATION SOURCES.—In evaluating a notice under paragraph (1), the Administrator shall take into consideration—

“(A) any relevant information identified in subsection (c)(1); and

“(B) any other relevant additional information available to the Administrator.

“(3) DETERMINATIONS.—Before the end of the applicable period for review under paragraph (1), based on the information described in paragraph (2), and subject to section 18(g), the Administrator shall determine that—

“(A) the relevant chemical substance or significant new use is not likely to meet the safety standard, in which case the Administrator shall take appropriate action under paragraph (4);

“(B) the relevant chemical substance or significant new use is likely to meet the safety standard, in which case the Administrator shall allow the review period to expire without additional restrictions; or

“(C) additional information is necessary in order to make a determination under subparagraph (A) or (B), in which case the Administrator shall take appropriate action under paragraphs (4) and (5).

“(4) RESTRICTIONS.—

“(A) DETERMINATION BY ADMINISTRATOR.—

“(i) IN GENERAL.—If the Administrator makes a determination under subparagraph (A) or (C) of paragraph (3) with respect to a notice submitted under subsection (b)—

“(I) the Administrator, before the end of the applicable period for review under paragraph (1) and by consent agreement or order, as appropriate, shall

prohibit or otherwise restrict the manufacture, processing, use, distribution in commerce, or disposal (as applicable) of the chemical substance, or of the chemical substance for a significant new use, without compliance with the restrictions specified in the consent agreement or order that the Administrator determines are sufficient to ensure that the chemical substance or significant new use is likely to meet the safety standard; and

“(II) no person may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, except in compliance with the restrictions specified in the consent agreement or order.

“(ii) **LIKELY TO MEET STANDARD.**—If the Administrator makes a determination under subparagraph (B) of paragraph (3) with respect to a chemical substance or significant new use for which a notice was submitted under subsection (b), ~~at the end~~ **then notwithstanding any remaining portion** of the applicable period for review under paragraph (1), the submitter of the notice may commence manufacture for commercial purposes of the chemical substance or manufacture or processing of the chemical substance for a significant new use.

“(B) **REQUIREMENTS.**—Not later than 90 days after issuing a consent agreement or order under subparagraph (A), the Administrator shall—

“(i) ~~take into consideration~~ **consider** whether to promulgate a rule pursuant to subsection (b)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance, ~~or of the chemical substance for a new use, that is not in compliance with that~~ **does not conform to** the restrictions imposed by the consent agreement or order; and

“(ii)(I) initiate a rulemaking described in clause (i); or

“(II) publish a statement describing the reasons of the Administrator for not initiating a rulemaking.

“(C) **INCLUSIONS.**—A prohibition or other restriction under subparagraph (A) may include, as appropriate—

“(i) subject to section 18(g), a requirement that a chemical substance shall be marked with, or accompanied by, clear and adequate minimum warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of those activities, with the form and content of the minimum warnings and instructions to be prescribed by the Administrator

“(ii) a requirement that manufacturers or processors of the chemical substance shall—

“(I) make and retain records of the processes used to manufacture or process, as applicable, the chemical substance; or

“(II) monitor or conduct such additional tests as are reasonably necessary to address potential risks from the manufacture, processing, distribution in commerce, use, or disposal, as applicable, of the chemical substance, subject

to section 4;

“(iii) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce—

“(I) in general; or

“(II) for a particular use;

“(iv) a prohibition or other restriction of—

“(I) the manufacture, processing, or distribution in commerce of the chemical substance for a significant new use;

“(II) any method of commercial use of the chemical substance; or

“(III) any method of disposal of the chemical substance; or

“(v) a prohibition or other restriction on the manufacture, processing, or distribution in commerce of the chemical substance—

“(I) in general; or

“(II) for a particular use.

“(D) PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.—For a chemical substance the Administrator determines ~~ranks high for~~, **with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012**, the Administrator shall, in selecting among prohibitions and other restrictions that the Administrator determines are sufficient to ensure that the chemical substance is likely to meet the safety standard, reduce potential exposure to the substance to the maximum extent practicable.

“(E) WORKPLACE EXPOSURES.—~~THE EXPOSURES.~~ **To the extent practicable, the** Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health prior to adopting any prohibition or other restriction under this subsection to address workplace exposures.

“(F) DEFINITION OF REQUIREMENT.—For purposes of this Act, the term ‘requirement’ as used in this section does not displace common law.

“(5) ADDITIONAL INFORMATION.—If the Administrator determines under paragraph (3)(C) that additional information is necessary to conduct a review under this subsection, the Administrator—

“(A) shall provide an opportunity for the submitter of the notice to submit the additional information;

“(B) may, by agreement with the submitter, extend the review period for a reasonable time to allow the development and submission of the additional information;

“(C) may promulgate a rule, enter into a testing consent agreement, or issue an order under section 4 to require the development of the information; and

“(D) on receipt of information the Administrator finds supports the determination

1 under paragraph (3), shall promptly make the determination.”;

2 (9) by striking subsections (e) through (g) and inserting the following:

3 “(e) Notice of Commencement.—

4 “(1) IN GENERAL.—Not later than 30 days after the date on which a manufacturer that has

5 submitted a notice under subsection (b) commences nonexempt commercial manufacture of

6 a chemical substance, the manufacturer shall submit to the Administrator a notice of

7 commencement that identifies—

8 “(A) the name of the manufacturer; and

9 “(B) the initial date of nonexempt commercial manufacture.

10 “(2) WITHDRAWAL.—A manufacturer or processor that has submitted a notice under

11 subsection (b), but that has not commenced nonexempt commercial manufacture or

12 processing of the chemical substance, may withdraw the notice.

13 “(f) Further Evaluation.—The Administrator may review a chemical substance under section

14 4A at any time after the Administrator receives—

15 “(1) a notice of commencement for a chemical substance under subsection (e); or

16 “(2) new information regarding the chemical substance.

17 “(g) Transparency.—Subject to section 14, the Administrator shall make available to the

18 public—

19 “(1) all notices, determinations, consent agreements, rules, and orders ~~of submitted~~

20 **under this section or made by the Administrator under this section;** and

21 “(2) all information submitted or issued under this section.”; and

22 (10) in subsection (h)—

23 (A) in paragraph (1)—

24 (i) in the matter preceding subparagraph (A), by striking “(a) or”; and

25 (ii) in subparagraph (A), by inserting “, without taking into account cost or

26 other nonrisk factors” after “the environment”;

27 (B) by striking paragraph (2);

28 (C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5),

29 respectively;

30 (D) in paragraph (2) (as so redesignated), in the matter preceding subparagraph (A),

31 by striking “subsections (a) and (b)” and inserting “subsection (b)”;

32 (E) in paragraph (3) (as so redesignated)—

33 (i) in the first sentence, by striking “will not present an unreasonable risk of

34 injury to health or the environment” and inserting “will meet the safety standard”;

35 and

36 (ii) by striking the second sentence;